



ATTACHMENT E
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CITY OF SUNNYVALE
ADMINISTRATIVE HEARING

MINUTES
Wednesday, March 30, 2005

2005-0143: Application for a Variance from SMC (Sunnyvale Municipal Code) section 19.34.030 and 19.46.060 (4) to allow a one-story addition to an existing one-story house resulting in a four-bedroom house without 2 covered parking spaces and total side yard setback of 10 feet where 12 feet is required. The property is located at **267 Eureka Court** (near San Diego Ave) in an R-0 (Low-Density Residential) Zoning District. (APN: 204-24-043) KD

In attendance: Donata Makuta, Owner/Applicant; Ron Hashfill, Architect; Gerri Caruso, Administrative Hearing Officer; Kelly Diekmann, Project Planner; and, Gloria Barron, Recording Secretary.

Ms. Gerri Caruso, Administrative Hearing Officer, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Ms. Caruso announced the subject application.

Kelly Diekmann, Project Planner, presented the staff report. He summarized the subject application and noted that the requirement for the total side-yard setback could be deleted because it did not apply. He added that the application was for a Variance to allow changes in the internal layout of the house which results in the need for more parking. Staff was not able to make the justifications for the findings and recommended denial of the Variance application.

Ron Hashfill confirmed that if the application was approved Condition of Approval #1F regarding a 12-foot side yard setback would be removed. Staff agreed.

Ms. Caruso opened the public hearing.

Ms. Caruso spoke about making the required Findings for the project and stated that after studying the site plan she could not find anything that would prevent them from meeting the code.

Donata Makuta, Owner/Applicant, stated that the patio enclosure does bring the square footage beyond the 1,800 square feet and understood the parking requirement. She noted that in front of the carport there is sufficient space to have two cars parked. Ms. Makuta reviewed the parking situation and gave options of where cars could park which included cars parked side by side.

Ms. Caruso reviewed the proposed plan with Ms. Makuta. She then asked staff if the length of the remaining carport meet the requirement for covered space after they enclose the laundry area. Staff responded yes.

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Ms. Caruso asked Ms. Makuta if the 4 bedrooms were existing bedrooms. Ms. Makuta responded yes, however, she did not consider one of the rooms to be a bedroom. Ms. Caruso asked Ms. Makuta if the room had a closet. Ms. Makuta responded yes. Ms. Caruso asked staff what features have been used in the past to determine that a room is a bedroom. Staff responded that it needs to meet building and planning code requirements, ingress and egress requirements, have a closet, and is over 80 square feet. Staff noted that there was no record for the enclosed courtyard space and if they tried to bring it into compliance they would not be able to get that permit because of the parking requirement.

Ms. Caruso stated that she could not make the Findings for the Variance and stated that this policy was fairly new and was established by the Planning Commission and ultimately City Council. She then stated that anyone had the right to appeal the decision to the Planning Commission within 15-day of the decision date. Ms. Caruso reviewed other options with Ms. Makuta. Staff stated that another alternative would be to go back to the one car garage with a carport and that would be in conformance with the two covered space requirement.

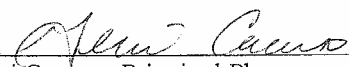
Ms. Caruso closed the public hearing.

Ms. Caruso denied the parking Variance and noted that the side-yard Variance was not required.

Ms. Caruso stated that the decision is final unless appealed to the Planning Commission with payment of the appeal fee within the 15-day appeal period.

The meeting was adjourned at 3:00 p.m.

Minutes approved by:


Gerri Caruso, Principal Planner